

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

40 IAC 2-1-7 Activities and expenses

A company from whom DWD was leasing mailing equipment and electronic meters wanted to cover the costs for the supervisor of DWD's mailing area to attend an out-of-state seminar on mail management. SEC found it was permissible for the company to pay for the supervisor's registration fee, lodging and meals since the supervisor had no input on the specifications for the leased equipment, and the contract was awarded through IDOA's normal bidding procedures.

**93-I-4 Activities and Travel
(Decision April 15, 1993)**

FACT SITUATION

The supervisor of the mailing area in the Department of Employment and Training Services, Workforce Development, wanted to accept payment for an out-of-state seminar on mail management from a company from whom the agency was leasing mailing equipment and electronic meters. A former employee had ordered the mailing equipment and electronic meters. The supervisor had no input into the writing of the specifications, but would have input in future decisions to buy additional equipment. The lease contract for the equipment was done through the Department of Administration's normal bidding procedures. The supervisor was not responsible for making the recommendation to buy additional equipment, for buying the equipment, or for evaluating the bids on such equipment.

The lease contract for the mailing equipment and electronic meters requested by the predecessor went to a large mail equipment manufacturing company. The equipment was installed in November 1992. It was state of the art equipment and would not need to be replaced for years. The company had a maintenance contract for the equipment with the department.

The seminar was an overview of mail management being put on by the mail equipment manufacturing company for which the company had offered to pay one person's lodging, meals, and supplies to attend. The department had decided to send two state employees on state time. The second person's way would be paid by the state and the state would be paying travel expenses for both employees to attend the seminar.

QUESTION

Is the supervisor of the mailing area in the Department of Employment and Training Services, Workforce Development, permitted to accept payment for out-of-state seminar on mail management including lodging, meals, and supplies for classroom activities from a company from whom the agency was leasing mailing equipment and electronic meters when the individual responsible for requesting the equipment had left state employment, the supervisor had no input on specifications for the equipment, and the contract was awarded through DOA bidding procedures?

OPINION

The Commission found the acceptance of the registration fee, lodging, and meals for attending the seminar by the supervisor was not a violation of 40 IAC 2-1-7(a) when the supervisor had no input on the specifications for the leased equipment and the contract was awarded through normal bidding procedures of the Department of Administration. In accordance with 40 IAC 2-1-7(b), approval of the agency's ethics officer was necessary.

The relevant rules are as follows:

40 IAC 2-1-7(a) and (b) on activities and expenses provides, "(a) A state officer or employee shall not solicit or accept payment from any person for expenses, including but not limited to any lodging, travel expenses, registration fees, food, or drink for appearance at any meeting,

convention, conference, seminar, or similar activity for himself or herself or the individual's spouse or unemancipated child under circumstances in which it can reasonably be inferred that the thing of value would influence the state officer or employee in his or her official capacity. This section does not prohibit contributions which are accepted by an agency in accordance with applicable law.

"(b) Without the written approval of the employee's appointing authority or the state officer, an employee shall not accept payment of expenses, including but not limited to lodging, travel expense, registration fees, food, or drink for attending events concerning state business from a person who has a business relationship with the employee's agency. An appointing authority or state officer may designate no more than one (1) person to exercise approval on behalf of the appointing authority or state officer. Such designation shall be in writing and filed with the commission."